Court No.3

Criminal Appeal No.240/2003

Radha Krishnan …….. Appellant.

Vs.

State of Uttaranchal and another …… Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri Anurag Bisaria learned counsel for the appellant and learned A.G.A. for the respondents.

This is an appeal against the order dated 7-8-2003 passed by the Sessions Judge Haridwar whereby the application of the appellant U/S 340 of the Code of Criminal Procedure was dismissed.

From the perusal of the impugned order it is evident that the investigation was in progress in regard to the offence alleged by the appellant in his petition U/S 156(3) Cr.P.C. According to the appellant there was some interpolation or forgery in the document relating to the delivery of the vehicle and the appellant sought the intervention of the court to make a complaint of the alleged offence so that the same may be separately investigated and the wrong doer may be prosecuted. The learned Sessions Judge was of the view that since the investigation is still pending in regard to the alleged offence U/S 420 I.P.C. in the main case the direction to register a case for the offence of forgery cannot be given at this stage. The view taken by the learned Sessions Judge cannot be said to be improper and unjustified because it is to be seen in the investigation and subsequently in the trial as to whether any forgery has been committee or not. If the trial Court will come to any such conclusion the opposite party file an application U/S 340 Cr.P.C. Considering this there is no merit in this appeal and the same is dismissed in limine.

(Irshad Hussain, J.)

Dated: 26-8-2003

ISB